

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

B-181790

DATE:

MAR 26 1975

MATTER OF:

Donald W. Paxton - Improper separation due to procedural defect--Restoration of forfeited annual leave

DIGEST:

Employee who was reinstated after determination by Civil Service Commission (CSC) that he had been improperly separated due to procedural defect is not entitled to be credited with forfeited annual leave under provisions of 5 U.S.C. 6304(d)(1)(A) providing for restoration of annual leave lost through administrative error after June 30, 1960, since CSC regulations do not consider an "unjustified or unwarranted personnel action" under 5 U.S.C. 5596 as an administrative error and CSC held, in fact, that agency's wrongful action was one of substance in that agency's reason for refusing to permit withdrawal of resignation was unwarranted and adverse action procedures should have been followed.

DECISION



**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE:

B-182166

DATE:

November 6, 1974

MATTER OF:

Edwin J. Robinson - Home leave - Department of the Army

DIGEST:

Disallowance of claim for reimbursement for accrued home leave or credit of such leave to annual leave account is affirmed since legal authority for home leave provides only for its use as such in discretion of agency; moreover, provisions of 5 U.S.C. 6304(d)(1)(A)--restoration of forfeited annual leave--are not applicable since no forfeiture is established on the record.

Mr. Edwin J. Robinson, an employee of the Department of the Army, in effect asks for a review of a disallowance by our Transportation and Claims Division of his claim for reimbursement or credit for accrued home leave with a settlement of July 23, 1974, covering several items claimed by